

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
SEPTEMBER 22, 2014 – REGULAR SESSION**

The Board of Island County Commissioners convened in Regular Session at 11:00 a.m. on September 22, 2014 for a Roundtable with Elected Officials and Appointed Department Heads, held in the Board of County Commissioners Hearing Room, Annex Building, 1 NE 6th Street, Coupeville, Washington. Other topics for the Regular Session followed at 6:00 p.m. as shown on the agenda. Jill Johnson, Chair, Helen Price Johnson, Member, and Aubrey Vaughan, Member were present.

ROUNDTABLE WITH ISLAND COUNTY
ELECTED OFFICIALS AND APPOINTED DEPARTMENT HEADS
[Audio Recording](#)

Elected Officials and Appointed Department Heads Attending:

Melanie Bacon	Jill Johnson	Larry VanHorn
Greg Banks	John Kent- <i>Excused</i>	Debra Van Pelt – <i>Excused</i>
Robert Bishop – <i>Excused</i>	Tim Lawrence – <i>Excused</i>	David Wechner
Mark Brown	Elaine Marlow	Aubrey Vaughan
Sheilah Crider	Ana Maria d. Nuñez	
Mary Engle	Bill Oakes	
Jackie Henderson	Brooke Powell	
Keith Higman	Helen Price Johnson	

Together with the monthly departmental roundtable reports by Elected Officials and Appointed department Heads, agenda items included:

Human Resources - Revised Policy Manual

Report by Melanie Bacon

Wellness Committee - Employee Appreciation Luncheon

Report by AnaMaria Nunez

Commissioners - Legislative Priorities Discussion

Greg Banks, Prosecutor

- Mental Health Services funding and the downstream effect on criminal justice
- Department of Corrections reduction of bed count

Mark Brown, Sheriff

- Regulation of Recreational and Medical Marijuana

Jackie Henderson, Human Services Director

- Supportive Housing
- Chemical Dependency rates

Brooke Powell, Superior/Juvenile Administrator

- Elimination of Family Reconciliation Services and the impact of those cuts
- Juvenile Court Services cuts
- Record Sealing
- Support from the State regarding language assistance

Sheilah Crider, Auditor

- Increases in fees and concern of impact on citizens

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Keith Higman

- Implementation for the State Healthcare ProVation Plan
- Regulation of Medical Marijuana

Dave Wechner, Planning Director

- Funding to programs implementing Initiative I-502

Tim Lawrence, WSU Extension Director

- WSU may be required to inform people regarding cannabis due to current legislation

Larry VanHorn, Facilities Director

- Will monitor the Alternative Public Works Contracting Legislation

Bill Oakes, Public Works Director

- Streamline Hydraulic Project approval
- State Fish and Wildlife

Ana Maria Nunez, Treasurer

- Against legislation regarding property tax statements being sent out on a monthly basis

Mary Engle, Assessor

- Senior exemption levels changing
- Commercial Agriculture Definitions

The next Roundtable is scheduled for Monday, October 27, 2014 at 11:00 a.m.

The Board recessed at 12:19 p.m., reconvening at 1:30 p.m. for Budget Workshop.

BUDGET WORKSHOP

Discussion items with the Budget Director included the Clean Water Utility, review of Public Works' supplemental requests, sales tax estimates and fund balance. Additionally Ms. Marlow provided a quick overview of where the Board presently stands on current expense.

The Board recessed once again at 4:22 p.m., reconvening at 6:00 p.m. to consider items contained on the agenda. The meeting began with the Pledge of Allegiance.

Note: To view the video recording of this meeting, go to the County's [website](#) or directly to [the video](#). If you are interested only in a specific topic, click on the timestamp located on [the agenda](#) for that particular issue to hear the discussion.

PUBLIC INPUT OR COMMENTS

[Documents on file with the Clerk of the Board]

None

MODIFICATION TO THE AGENDA:

ADDED TO THE REGULAR AGENDA

Item 15 - Letter to Governor Inslee – 2015 to 2017 State Transportation Budget – WA State Ferries Targeted Budget Cuts

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CONSENT AGENDA

[Documents on file with the Clerk of the Board]

Pre-audited bills:	\$ 537,350.95
Vouchers:	\$1,017,801.66
Electronic funds transfers:	\$ 199,025.10
<i>("EFT Regional Disposal Settlement Date 10/15/14 corrected to</i>	
<i>"EFT Correctional Risk Service Settlement Date 10/15/14)</i>	
Payroll:	\$ 570,036.99
Minutes:	Work Session: August 20, 2014

Facilities Management

Purchase Order No. 7847 – Jerry Beck and Company Inc.; Fairgrounds Electrical Upgrades and Repairs. Amount: \$29,338.37 (incl. WSST) (RM-FAC-2014-262)

Human Services

- Contract with Service Alternatives, Inc. to provide Individual Employment and Community Access services to people with Developmental Disabilities in Island County (7/1/14 – 6/30/15); Contract No. HS-42-14; Amount: \$354,357 (RM-HS-2014-221)
- Contract with Washington Vocational Services to provide Individual Employment and Community Access services to people with Developmental Disabilities in Island County (7/1/14 – 6/30/15); Contract No. HS-44-14; Amount: \$98,465 (RM-HS-2014-223)
- Contract with Washington Initiative for Supported Employment to provide Individual Technical Assistance services to people with Developmental Disabilities in Island County (7/1/14 – 6/30/15); Contract No. HS-45-14; Amount: \$5,000 (RM-HS-2014-215)
- Contract with Able Opportunities to provide Individual Technical Assistance services to people with Developmental Disabilities in Island County (7/1/14 – 6/30/15); Contract No. HS-46-14; Amount: \$5,000 (RM-HS-2014-217)
- Contract with Total Living Concept to provide Individual Technical Assistance services to people with Developmental Disabilities in Island County (7/1/14 – 6/30/15); Contract No. HS-47-14; Amount: \$5,000 (RM-HS-2014-216)

Public Health

Contract with Automatic Funds Transfer Services, Inc. (AFTS). Contract establishes Automatic Funds Transfer Services, Inc. as the entity to provide Island County with loan payment processing services for new and existing septic loans for the performance period of 9/1/14 – 8/31/15. Contract No. HD-04-2014; Contract Amount: Fee for service not to exceed \$15,000 (RM-HLTH-2014-239)

Superior/Juvenile Courts

- Contract with WA Administrative Office of the Courts (AOC) for a Document Management System (DMS) for Superior Court Cases. Superior Court Case Management System (SC-CMS) - Document Management System Option Selection (Odyssey). AOC hosting with Central and Local Storage Using Odyssey DMS. (RM-SC-2014-254)
- Interagency Agreement with WA Administrative Office of the Courts (AOC). AOC providing funds for processing Truancy, At-Risk Youth Petitions, and Child-in-Need of Services

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Petitions per RCW 13.32A (7/1/2014 - 6/30/2015). BECCA Grant No. IAA05020; Amount: \$135,329 (RM-JUV-2014-226)

- Interagency Agreement with WA Administrative Office of the Courts (AOC). AOC providing funds for services to Children-in-Dependency matters (7/1/2014 - 6/30/20147). CASA Grant No. IAA15053; Amount: \$55,557 (RM-JUV-2014-225)

ACTION TAKEN:

Motion by Commissioner Price Johnson to approve the Consent Agenda as presented, second by Commissioner Vaughan. Motion carried 3-0

REGULAR AGENDA

[Documents on file with the Clerk of the Board]

Commissioners

ADDED TO THE REGULAR AGENDA

Letter to Governor Inslee - 2015 to 2017 State Transportation Budget – WA State Ferries Targeted Budget Cuts

ACTION TAKEN:

Motion by Commissioner Price Johnson to approve the letter to Governor Inslee with one slight modification, second by Commissioner Vaughan. Motion carried 3-0

Modification

At the 4th line, change “~~all of us~~ are familiar with,” to “we are familiar with.”

6:10 p.m. Decision & Findings

APP 218/14: Zachary Wolfram/Nathan Buck/Karyle Kramer, Appellants. Appeal of the approval by the Island County Hearing Examiner granting site plan approval, subject to conditions of application SPR 317/13 Russo, for a Rural Event Center. The property is located at 5491 Bayview Rd., Langley, WA.

ACTION TAKEN:

Motion by Commissioner Price Johnson to uphold in full the Hearing Examiner Type III Decision on appeal, that the Board find that the Hearing Examiner properly interpreted the Island County Code, and that substantial evidence supports the findings of fact in Site Plan Review #317/13, second by Commissioner Vaughan. Motion carried 3-0

The Board will review and approve its written decision in open public meeting on October 6, 2014. A copy of the decision will be mailed to the parties thereafter.

The Board recessed at 6:13 p.m., reconvening at 6:15 p.m. for public hearing.

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PUBLIC HEARINGS

[Documents on file with the Clerk of the Board]

Planning & Community Development

6:15 p.m. Public Hearing: Ordinance C-75-14 (PLG-006-14) Reviewing and Updating the Island County Comprehensive Plan and Development Regulations to Protect Fish and Wildlife Habitat Conservation Areas. A public hearing was held on July 21 and July 28, 2014 to consider the Planning Commission's recommendations. After closing the public hearing and deliberating, the Board requested modifications to the development regulations proposed by the Planning Commission. Those modifications were incorporated into the ordinance and considered at public hearing on August 25, 2014. Following public testimony the Board closed the public hearing, deliberated, and directed staff to clarify permit procedures related to existing and ongoing agriculture practices. Deliberation on those modifications was continued to September 8, 2014 (following deliberation at Work Session on September 3). To provide the public an opportunity for comment on the modifications made by the Board following the August 25, 2014 hearing related to permit requirements and procedures for existing and ongoing agriculture practices, a new public hearing was scheduled and advertised for September 22.

In Attendance:

- David Wechner, Planning & Community Development Director
- Brad Johnson, Senior Long Range Planner
- William Simpson, Long Range Planner

Of Record:

- September 22, 2014 Agenda (GMA No. 11248)
- Legal Notice for Public Hearing
(GMA No. 11205 WNT/GMA No. 11204 Courtesy Copy SCN)
- Attendance Sheets (GMA No.11250)
- Email Record of Public Comments (9/8/14-9/22/14) (GMA No.11251)
- Ordinance C-75-14 (PLG-006-14) as modified and adopted (GMA No.11252)
- Draft Regulations - modifications made following close of the last public hearing (GMA No.11253)
- SEPA Addendum documenting changes made to the regulations and Island County Comprehensive Plan since the issuance of the SEPA threshold determination by the Planning Director (GMA No.11236)
- Power Point Presentation – Island County Fish and Wildlife Habitat Conservation Areas Update (GMA No. 11201)
- Handout from Angie Homola (GMA No. 11256)

Messrs. Johnson and Simpson provided the staff report. They spoke to the changes requested by the Board at the close of the previous public hearing and presented a brief history of the efforts made to update the Fish and Wildlife regulations. Mr. Johnson reminded the Board that public testimony should be limited to comments on the changes made following the close of the last public hearing.

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Proposed changes to the draft document following the August 25 public hearing and deliberation include:

- **Clarified definitions for regulated and unregulated streams (17.02B.060.MM and NN)**

17.02B.060.MM - Definitions

MM. ***Stream, Regulated:*** *The following features are defined as streams and are regulated as Critical Areas under the provisions of this Chapter:*

3. *Artificial Stream Channels: Artificial channels either used by salmonids of any life stage, or that directly convey water from or through an existing regulated wetland.*

17.02B.060.NN - Definitions

NN. ***Stream, Unregulated:*** *Ditches and other water conveyance systems, ~~not constructed from natural or modified stream channels,~~ which are artificially constructed and actively maintained for irrigation and drainage, ~~are not used by salmonids or to convey water from an existing regulated wetland.~~ and which are not otherwise classified as a Regulated Streams.*

- **Additional language on exemptions from biological site assessments and mitigation plans (17.02B.080.H, 17.02B.300.C, 17.02B.310.A.2, 17.02B.410.A.2)**

17.02B.080.H - General Mitigation Requirements

H. Mitigation, monitoring, and adaptive management plans must be developed by a Qualified Professional, unless at the applicant's request, the Director agrees that small scale, easily implemented compensatory Mitigation can be prescribed by the Director. Such small scale compensatory Mitigation may be prescribed by the Director, where detailed plans are unnecessary for successful project implementation, and where ongoing monitoring ~~is~~ unnecessary. Mitigation, monitoring, and adaptive management plans shall be reviewed and approved by the Director. For projects exempt from Biological Site Assessment requirements under ICC 17.02B.410.A.2, no Mitigation plan shall be required.

17.02B.300.A.C - Exempt Activities

- A. *Except as ~~otherwise~~ noted in subsection B or otherwise, the following activities listed in the Exemption Table noted with an "E" as "Exempt Activities" are exempt from the buffer, Mitigation, and protection requirements of this Chapter.*
- C. *Threshold Criteria for Exempt Activities: In order to be classified as an Exempt Activity, a proposed Development must either be listed above in subsection A, listed in the Exemption Table, or consistent with all of the following criteria:*

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17.02B.310.A.2 - Permitted Alterations

2. *Unless exempted under the provisions of ICC ~~17.02B.080.H~~ 17.02B.410.A, the Director shall require a Biological Site Assessment per Section 17.02B.410 to evaluate the Permitted Alteration. A Mitigation plan shall also be required by the Director consistent with Section 17.02B.080 unless the Director determines that the project is exempt from Mitigation Plan requirements pursuant to ICC 17.02B.080.H.*

17.02B.410.A.2.B.7 - Evaluation Requirements – Fish and Wildlife Habitat Conservation Areas

2. *For activities authorized pursuant to ICC 17.02B.310.C.7 no BSA shall be required provided that:*
 - a) The activity does not involve a type “F” or type “S” stream; and*
 - b) The activity is associated with an Existing and On-Going Agricultural Activity; and*
 - c) The Director verifies, prior to permit approval, that the area where the proposed activity will take place has been actively used for, and continuously maintained as, an agricultural drainage facility; and*
 - d) The proposed activity is limited to Maintenance or Repair; and*
 - e) Critical Area functions and values can be protected through the application of clear, and easily understood Mitigation measures and BMPs; and*
 - f) Upon completion of the proposed work the Director verifies that required BMPs have been properly implemented and that all conditions of permit approval have been adhered to.*

7. *Best Management Practices, including a discussion of on-going maintenance practices that will assure protection of all Critical Areas on-site after the project has been completed. If Monitoring is required, this section shall include a description of proposed monitoring criteria, methods, and schedule. ~~For Repair or Maintenance of legally established drainage facilities that are associated with Existing and On-Going Agricultural Activities and that are also Regulated Streams, NRCS guidelines shall be accepted as BMPs when it can be shown that such guidelines will protect the functions and values of the Critical Area.~~*

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- **Non-substantive and grammatical changes to identify the Exemption Table (17.02.300)**
- Removal of bullet

EXEMPT ACTIVITIES, PERMITTED ALTERATIONS AND VARIANCES

17.02B.300 *Exempt Activities*

	<i>Exemption <u>Table</u></i>	<i>FWHCA</i>	<i>Wetlands: RESERVED</i>	<i>Geologically Hazardous RESERVED</i>
15.	<ul style="list-style-type: none"> • <i>Removal of Beaver. The control, trapping, and removal of Beaver from Critical Areas or Critical Area Buffers provided no alteration occurs except the removal of the Beaver dam and the control, trapping, or removal is authorized by the Washington State Department of Fish and Wildlife (WDFW) through the issuance of a Hydraulic Project Approval (HPA).</i> 	<i>E</i>		

- **Specification of the time period for a multi-year permit (17.02B.310.C.7)**

17.02B.310.C.7 Permitted Alterations

7. *Normal Maintenance or Repair of drainage facilities related to Existing and Ongoing Agricultural Activities within Regulated Streams. The Director may approve a Type II Permitted Alteration Permit for a multi-year period to address recurring work in Regulated Streams that are also drainage facilities associated with Existing and On-Going Agricultural Activities, consistent with ICC 17.02B.310.A.1 and 2. When such a multi-year permit is approved, it shall be valid for a period of not less than five years.*

Following staff's presentation the floor was opened to public comment on the modifications presented:

- Steve Erickson
- Angie Homola (*Handout provided – GMA No. 11256*)
- Ray Gabelein
- Carolyn Cliff, on behalf of Mr. and Mrs. Vander Pol
- Len Engle

There being no additional testimony, the public hearing was closed.

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Mr. Johnson responded to public comments. In particular, Mr. Erickson expressed concern about language in the SEPA Addendum around “with fish presence” in the third to last paragraph on the back page of the document. Mr. Johnson replied that since the Addendum is not part of the adoption process this evening, that a revised Addendum would be prepared to reflect “Type F” and “Type S” Streams as requested by the Board.

ACTION TAKEN:

Motion by Commissioner Price Johnson to adopt Ordinance C-75-14 (PLG-006-14) Reviewing and Updating the Island County Comprehensive Plan and Development Regulations to Protect Fish and Wildlife Habitat Conservation Areas as amended to correct a Scribner’s error in 17.02B.060.NN (Definitions) by adding the word “or” in the third line in front of “drainage”, second by Commissioner Vaughan. Motion carried 3-0 (GMA No. 11252)

Corrected language:

NN. Stream, Unregulated: Ditches and other water conveyance systems, ~~not constructed from natural or modified stream channels,~~ which are artificially constructed and actively maintained for irrigation and/or drainage, ~~are not used by salmonids or to convey water from an existing regulated wetland,~~ and which are not otherwise classified as a Regulated Streams.

COMMISSIONERS COMMENTS AND ANNOUNCEMENTS

The Commissioners provided their respective comments and announcements.

The Board recessed at 7:41 p.m., reconvening on September 23, 2014 at 9:00 a.m. for continued Budget Workshop.

**SEPTEMBER 23, 2014 AT 9:00 A.M. – REGULAR SESSION RECONVENED
BUDGET WORKSHOP**

The Board reconvened for Budget Workshop at 9:00 a.m. Commissioners Johnson, Price Johnson, and Vaughan were in attendance. The Commissioners continued their review of revenue and expenditure estimates with the Budget Director. Also considered and proposed were supplemental requests moving forward as shown in the record maintained by Ms. Marlow.

ACTION TAKEN:

Motion by Commissioner Price Johnson to schedule the preliminary budget for public hearing on October 6, 2014 at 6:00 p.m. (Resolution C-86-14), second by Commissioner Vaughan. Motion carried 3-0

Executive Session Announced:

The Board will recess then meet in Executive Session at 3:30 p.m. as provided by RCW 42.30.110(1)(g) to review the performance of a public employee. The Executive Session will take place in the Commissioners’ office, Room 218, and will last approximately 30 minutes. No announcement in open public session is anticipated.

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At 12:35 p.m. the Board recessed, reconvening at 3:30 p.m. for Executive Session.

At 3:30 p.m. the Board reconvened and immediately went into Executive Session.

At 4:00 p.m. the Chair announced that an additional 15 minutes would be needed for Executive Session.

There being no further business to come before the Board the meeting adjourned at 4:15 p.m. following Executive Session. The Board will meet next in Regular Session on October 6, 2014 beginning at 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Jill Johnson, Chair

Helen Price Johnson, Member

Aubrey Vaughan, Member

ATTEST:

Debbie Thompson
Clerk of the Board